

# **ELEVENTH DAY**

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**MONDAY, FEBRUARY 3, 1997**

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## **PROCEEDINGS**

The Senate met at 12:00 noon pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Moncrief, Nelson, Nixon, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Carona, Madla, Truan.

To be elected: District 5.

The President announced that a quorum of the Senate was present.

Senate Doorkeeper Don Long offered the invocation as follows:

Almighty, glorious, and blessed God, vouchsafe Thine aid to the Senators of this great State of Texas in all their present undertakings. Dispel whatever spirit of discord may here arise. Enrich each heart with that most excellent gift of charity so that all actions may be full of the spirit of kindness and forbearance one toward another.

We pray that Your wisdom and patience shall fill the heart and mind of Lieutenant Governor Bullock as he leads the deliberations of this assembly this day.

And dear Lord, give the family of Congressman Tejeda that peace that goes beyond their understanding in this time of bereavement. And God, bless Texas. Amen.

On motion of Senator Zaffirini and by unanimous consent, the reading of the Journal of the proceedings of Thursday, January 30, 1997, was dispensed with and the Journal was approved.

## **LEAVES OF ABSENCE**

On motion of Senator Nelson, Senator Carona was granted leave of absence for today on account of important business.

On motion of Senator Zaffirini, Senator Madla was granted leave of absence for today on account of important business.

On motion of Senator Zaffirini, Senator Truan was granted leave of absence for today on account of important business.

**CO-AUTHOR WITHDRAWN**

Senator Nelson requested that her name be withdrawn as Co-author of **SB 213**.

The request was granted.

**CO-AUTHORS OF SENATE BILL 81**

On motion of Senator Ellis and by unanimous consent, Senators Harris and Wentworth will be shown as Co-authors of **SB 81**.

**CO-AUTHOR OF SENATE BILL 172**

On motion of Senator Zaffirini and by unanimous consent, Senator West will be shown as Co-author of **SB 172**.

**CO-AUTHOR OF SENATE BILL 197**

On motion of Senator Zaffirini and by unanimous consent, Senator West will be shown as Co-author of **SB 197**.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Monday, February 3, 1997

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

**THE HOUSE HAS PASSED THE FOLLOWING MEASURES:**

**HCR 48**, Recognizing February 13, 1997, as the Texas Day of Prayer.

**HCR 49**, Offering condolences to the citizens of Houston in the aftermath of the Northline Mall tragedy.

Respectfully,

/s/Sharon Carter, Chief Clerk  
House of Representatives

**SENATE BILLS AND RESOLUTIONS ON FIRST READING**

The following bills and resolutions were introduced, read first time, and referred to the committees indicated:

**SB 319** by Harris

Relating to the waiver of certain rights by a child.  
To Committee on Criminal Justice.

**SB 320** by Armbrister

Relating to exempting officers and employees of political subdivisions of this

state from certain interest payments in regard to unclaimed property claims.  
To Committee on Jurisprudence.

**SB 321** by Armbrister, Brown  
Relating to the licensing of waste haulers by certain counties.  
To Committee on Natural Resources.

**SB 322** by Armbrister  
Relating to the filing of a petition stating an essential need for operating a motor vehicle.  
To Committee on Criminal Justice.

**SB 323** by Armbrister  
Relating to the requirement of a training certificate for State Office of Administrative Hearings administrative law judges and to the establishment of an Administrative Law Judge Training School by the state bar.  
To Committee on State Affairs.

**SB 324** by Armbrister  
Relating to application of the professional prosecutors law to the district attorney of the 24th Judicial District.  
To Committee on Criminal Justice.

**SB 325** by Armbrister  
Relating to investments by the boards of trustees of local retirement systems for firefighters.  
To Committee on Intergovernmental Relations.

**SB 326** by Armbrister  
Relating to vessels and obstructions in fish passes.  
To Committee on Natural Resources.

**SB 327** by Galloway  
Relating to the regular meetings of the board of port commissioners of the Port of Port Arthur Navigation District of Jefferson County, Texas.  
To Committee on Intergovernmental Relations.

**SB 328** by Brown, Shapiro, Truan, Armbrister, Lindsay, Patterson, Wentworth, Gallegos, Ellis, Whitmire, Lucio  
Relating to the creation of a judicial compensation commission.  
To Committee on Finance.

**SB 329** by Brown  
Relating to the offense of making a false report to a peace officer or to an employee of a law enforcement agency.  
To Committee on Criminal Justice.

**SB 330** by Armbrister  
Relating to the sunset review of the State Office of Administrative Hearings.  
To Committee on State Affairs.

**SB 331 by Armbrister**

Relating to procedures in a contested case in which the hearing is conducted by the State Office of Administrative Hearings.

To Committee on State Affairs.

**SB 332 by Armbrister**

Relating to the decisions of certain administrative law judges in occupational licensing contested cases and to judicial review of those decisions.

To Committee on State Affairs.

**SB 333 by Harris**

Relating to the payments of insurance benefits for a child to the possessory or managing conservator of the child.

To Committee on Jurisprudence.

**SB 334 by Harris**

Relating to the recodification of statutes relating to the marriage relationship.

To Committee on Jurisprudence.

**SB 335 by Shapiro**

Relating to certain nursing homes for purposes of professional liability insurance coverage.

To Committee on Economic Development.

**SB 336 by Gallegos**

Relating to the right of fire fighters to meet and confer.

To Committee on Intergovernmental Relations.

**SB 337 by West, Gallegos**

Relating to sanctions that may be imposed on the holder of an alcoholic beverage permit or license.

To Committee on State Affairs.

**SB 338 by West, Carona**

Relating to Texas Higher Education Coordinating Board contracts with Texas Chiropractic College and Parker College of Chiropractic.

To Committee on Education.

**SB 339 by West**

Relating to the establishment of the Texas child care fund and compensation of certain child care providers.

To Committee on Finance.

**SB 340 by Zaffirini**

Relating to requiring the use of protective helmets for bicycle safety; providing criminal penalties.

To Committee on State Affairs.

**SB 341 by Harris**

Relating to the punishment for and the jurisdiction over certain traffic offenses committed by minors.

To Committee on Criminal Justice.

**SB 342 by Gallegos**

Relating to the fees paid in certain counties for the purpose of road and bridge maintenance and construction.

To Committee on Intergovernmental Relations.

**SB 343 by Harris**

Relating to speed limits for vehicles towing towable recreational vehicles.

To Committee on State Affairs.

**SB 345 by Harris**

Relating to the requirement that the Department of Protective and Regulatory Services perform investigations regarding children born addicted to certain substances.

To Committee on Jurisprudence.

**SB 346 by Barrientos**

Relating to the training of certain law enforcement officers and county jailers.

To Committee on Intergovernmental Relations.

**SB 347 by Harris**

Relating to enforcement by political subdivisions of the National Flood Insurance Program; providing a civil penalty.

To Committee on Natural Resources.

**SB 349 by Shapiro**

Relating to guardians ad litem and child volunteer advocates in certain suits affecting the parent-child relationship.

To Committee on Jurisprudence.

**SB 381 by Shapiro, Harris**

Relating to the civil and criminal consequences of a grant of deferred adjudication for a sexual offense or a sexually assaultive offense.

To Committee on Criminal Justice.

**SB 382 by Madla, Cain, Harris, Nelson, Sibley**

Relating to the regulation of health maintenance organizations.

To Committee on Economic Development.

**SB 383 by Cain, Harris, Madla, Nelson, Sibley**

Relating to the regulation of preferred provider benefit plans.

To Committee on Economic Development.

**SB 384 by Nelson, Cain, Harris, Madla, Sibley, Moncrief, Brown, Zaffirini**

Relating to utilization review under health benefit plans and health insurance policies.

To Committee on Economic Development.

**SB 385 by Sibley, Cain, Harris, Madla, Nelson**

Relating to the regulation of health maintenance organizations.

To Committee on Economic Development.

**SB 386 by Sibley, Cain, Harris, Madla, Nelson**

Relating to health care liability claims.

To Committee on Economic Development.

**SB 387** by Harris, Cain, Madla, Nelson, Sibley

Relating to the creation of a rating system and consumer report cards for the comparison of health care plans.

To Committee on Economic Development.

**SB 388** by Whitmire

Relating to the provision of Texas Poison Center Network Services to other jurisdictions and entities.

To Committee on Health and Human Services.

**SJR 20** by Brown

Proposing a constitutional amendment relating to the creation of a judicial compensation commission.

To Committee on Finance.

**SCR 9** by Armbrister

Advancing the mandated shutdown of the Texas Workers' Compensation Insurance Facility.

To Committee on State Affairs.

#### **GUEST PRESENTED**

Senator Sibley was recognized and introduced to the Senate former Senator Tom Creighton.

The Senate welcomed Senator Creighton.

#### **CAPITOL PHYSICIAN**

Senator Barrientos was recognized and presented Dr. Darrell Dixon of Austin as the "Doctor for the Day."

The Senate welcomed Dr. Dixon and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

#### **MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas  
February 3, 1997

**TO THE SENATE OF THE SEVENTY-FIFTH LEGISLATURE,  
REGULAR SESSION:**

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

**TO BE MEMBERS OF THE TEXAS A&M UNIVERSITY SYSTEM BOARD  
OF REGENTS for terms to expire February 1, 2003:**

ERLE ALLEN NYE

6924 Desco

Dallas, Texas 75225

Mr. Nye will be replacing Mary Nan West of Batesville whose term expired.

DIONEL E. AVILES, Ph.D.

13314 Pinerock

Houston, Texas 77079

General Aviles will be replacing Alison Leland Briscoe of Houston whose term expired.

ANNE L. ARMSTRONG

P.O. Box 448

Armstrong, Texas 78338

Mrs. Armstrong will be replacing Royce E. Wisenbaker of Tyler whose term expired.

TO BE MEMBERS OF THE UNIVERSITY OF TEXAS SYSTEM BOARD OF REGENTS for terms to expire February 1, 2003:

PATRICK C. OXFORD

6404 Taggart "A"

Houston, Texas 77007

Mr. Oxford will be replacing Ellen Clarke Temple of Lufkin whose term expired.

A. W. RITER, Jr.

403 Bluebonnet Drive

Tyler, Texas 75701-5304

Mr. Riter will be replacing the Reverend Zan Wesley Holmes, Jr., of Dallas whose term expired.

A. R. "TONY" SANCHEZ

202 Sunset Drive

Laredo, Texas 78041

Mr. Sanchez will be replacing Bernard Rapoport of Waco whose term expired.

TO BE MEMBERS OF THE TEXAS PARKS AND WILDLIFE COMMISSION for terms to expire February 1, 2003:

ERNEST ANGELO, Jr.

3106 Stanolind

Midland, Texas 79705

Mr. Angelo will be replacing Terese Tarlton Hershey of Houston whose term expired.

JOHN AVILA, Jr.

2109 Pembroke

Fort Worth, Texas 76110

Mr. Avila will be replacing Thomas Walter Umphrey of Beaumont whose term expired.

CAROL E. DINKINS

422 Buckingham

Houston, Texas 77024

Ms. Dinkins will be replacing Ygnacio D. Garza of Brownsville whose term expired.

TO BE MEMBERS OF THE TEXAS COMMISSION OF LICENSING  
AND REGULATION:

For a term to expire February 1, 2001

EARL L. YEAKEL III  
2500 Greenlee Drive  
Austin, Texas 78703

Mr. Yeakel is being reappointed.

For terms to expire February 1, 2003

ELLIOTT B. McCONNELL  
16 Blue Heron  
Rockport, Texas 78382

Mr. McConnell will be replacing Carmen Mitchell of Dallas whose term expired.

MICKEY CHRISTAKOS  
805 Pebble Brook  
Allen, Texas 75002

Ms. Christakos will be replacing Arlen D. Bynum of Dallas whose term expired.

TO BE MEMBERS OF THE ADVISORY BOARD OF ATHLETIC  
TRAINERS for terms to expire January 31, 2003:

JOHN WESLEY HARVEY  
4127 Friar Point  
Houston, Texas 77047

Mr. Harvey will be replacing Susan Rae Leeper of Bedford whose term expired.

NATALIE STEADMAN  
4507 7th Street  
Lubbock, Texas 79416

Mrs. Steadman will be replacing Miguel Angel Benevides of Georgetown whose term expired.

TO BE MEMBERS OF THE STATE BOARD FOR EDUCATOR  
CERTIFICATION for terms to expire February 1, 2003:

JAMES D. HARRIS  
3408 102nd Street  
Lubbock, Texas 79243

ARTHUR "ART" LACY  
1016 Lakewood Drive  
McKinney, Texas 75070

JAMES B. "JIM" PRICE  
1406 Circle Drive  
Cooper, Texas 75432

MARY MARGARET RUCKER  
18507 Vinland Drive  
Nassau Bay, Texas 77058

KEITH SOCKWELL  
1713 Northcrest  
Plano, Texas 75075

All of the above are being reappointed.

TO BE MEMBERS OF THE BOARD OF REGENTS OF STEPHEN F.  
AUSTIN STATE UNIVERSITY for terms to expire January 31, 2003:

PENNY H. BUTLER  
#11 East Briar Hollow Lane  
Houston, Texas 77027

Mrs. Butler will be replacing Laurel Ann Austin of Jacksonville whose term expired.

MICHAEL W. ENOCH  
P.O. Box 35  
Mont Belvieu, Texas 77580

Mr. Enoch will be replacing Retta B. Kelly of Longview whose term expired.

SUSAN SCHEUMACK ROBERDS  
P.O. Box 25275  
Dallas, Texas 75225

Mrs. Roberds will be replacing Dionne Bagsby of Fort Worth whose term expired.

Respectfully submitted,

/s/George W. Bush  
Governor of Texas

#### SENATE RESOLUTION 49

Senator West offered the following resolution:

WHEREAS, The Senate of the State of Texas proudly joins citizens throughout the country in recognizing the month of February, 1997, as Black History Month; and

WHEREAS, The founder of Black History Month, Carter Godwin Woodson, was the son of former slaves and grew up in an indigent family setting; he became a miner in West Virginia, later attended high school and college, and had a successful career as an educator; he earned a doctorate in history from Harvard University in 1912, mastered several languages, and authored several publications and a major book *The Negro In Our History*; and

WHEREAS, Carter Woodson, known now as the Father of Black History, originally founded Negro History Week in 1926 when he chose the second week of February for its celebration; Mr. Woodson's goal was to spread the knowledge of black history to all Americans; Carter Woodson wrote that "If a race has no history, if it has not worthwhile tradition, it becomes a negligible factor in the thought of the world"; and

WHEREAS, The Association for the Study of Afro-American Life and History promoted the celebration of Black History Week, as it was later known, and supported its expansion into a monthlong event; in 1976, President Jimmy Carter proclaimed February as Black History Month, and its annual celebration is a tribute to Carter Woodson's exemplary life and work, as well as to black history; and

WHEREAS, People from all over the world have settled in the United States of America, bringing with them invaluable pieces of their own heritage and time-honored traditions; their heritage and achievements have had a tremendous impact on our country; and

WHEREAS, The accomplishments of outstanding individuals such as Martin Luther King, Jr., are legendary throughout our history; Black History Month provides American citizens an opportunity to express appreciation to these individuals and to all the African American men and women who have contributed in countless ways to our nation's enrichment; and

WHEREAS, Our country has benefitted immeasurably from the influence of talented black leaders and dedicated black citizens who have inspired Americans of all races and from all parts of the country to reaffirm their commitment to equal justice and opportunity for all; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby laud the observance of Black History Month and encourage all Texans to participate in this celebration of black heritage; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of Black History Month as an expression of esteem from the Texas Senate.

The resolution was read.

On motion of Senator Ellis and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator West, the resolution was adopted by a viva voce vote.

#### GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate a group of students participating in the Texas Legislative Internship Program: Rodney Ahart, Austin; Tamara Alexander, Houston; Tremain Braimer, Austin; Billy J. Briscoe, Houston; Carla Chaisson, Austin; Nermin Chranya, Houston; Paul Courtney, Houston; Adolph Garcia, Austin; Kimberly Hatter, Houston; Ebony Hill, Austin; Albert Hood, Austin; Eleanor Mack, Alexandria, Louisiana; Jose Medrano, Pasadena; Chantel Morrison, Houston; Nwabugwu Ndujiuba, Houston; Jessica Ortega, Austin; Tarrynce G. Robinson, Houston; Ericka Thomas, Houston; Jermaine Thomas, Houston; Angie Wellborn, Houston; Felicia Williams, Houston; and Maxine Woods, Houston.

The Senate welcomed its guests.

#### HOUSE CONCURRENT RESOLUTION 49

The President laid before the Senate the following resolution:

**HCR 49**, Offering condolences to the citizens of Houston in the aftermath of the Northline Mall tragedy.

#### GALLEGOS

The resolution was read.

On motion of Senator Whitmire and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Gallegos and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

#### SENATE BILL 145 ON SECOND READING

Senator Nixon moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **SB 145** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Carona, Madla, Truan.

On motion of Senator Nixon and by unanimous consent, the regular order of business was suspended for **SB 145**:

**SB 145**, Relating to the acceptance of gifts by state agencies.

The bill was read second time.

Senator Nixon offered the following committee amendment to the bill:

#### Committee Amendment No. 1

Amend **SB 145** by inserting the below as a new Section 2 and renumbering the lines and sections accordingly:

Amend Sec. 401.031 of the Texas Government Code as follows: Acceptance of Gifts, Grants, and Donations by the ~~[Office of the]~~ Governor.

(a) The ~~[office of the]~~ governor may ~~[solicit and]~~ accept gifts, grants, and donations of money or property on behalf of the state for any lawful public purpose ~~related to the office of the governor.~~

~~(b) The governor may decline to accept a gift, grant, or donation that is made for a specific purpose if the governor determines the gift may not be used reasonably or economically for the designated purpose.~~

The committee amendment was read and was adopted by a viva voce vote.

Senator Nixon offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **SB 145** as follows:

In Section 1 of **SB 145** (committee printing page 1, line 28) at the end of Section 575.001(1), Government Code, add a new sentence "Gift does not include donations of money or property valued under \$500 donated to a state agency for the direct use and benefit of clients receiving services from that agency."

The amendment was read and was adopted by a viva voce vote.

**SB 145** as amended was passed to engrossment by a viva voce vote.

#### SENATE BILL 145 ON THIRD READING

Senator Nixon moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 145** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Carona, Madla, Truan.

**SB 145** was read third time and was passed by the following vote: Yeas 27, Nays 0. (Same as previous roll call)

#### **SENATE BILL 197 ON SECOND READING**

Senator Zaffirini moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **SB 197** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 26, Nays 0, Present-not voting 1.

Present-not voting: Harris.

Absent-excused: Carona, Madla, Truan.

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended for **SB 197**.

#### **RECORD OF VOTE**

Senator Harris asked to be recorded as "Present-not voting" on the suspension of the regular order of business.

**SB 197**, Relating to the regulation of alcohol awareness courses by the Texas Commission on Alcohol and Drug Abuse.

The bill was read second time and was passed to engrossment by a viva voce vote.

#### **RECORD OF VOTE**

Senator Harris asked to be recorded as "Present-not voting" on the passage of the bill to engrossment.

#### **SENATE BILL 197 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 197** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 0, Present-not voting 1.

Present-not voting: Harris.

Absent-excused: Carona, Madla, Truan.

**SB 197** was read third time and was passed by a viva voce vote.

#### **RECORD OF VOTE**

Senator Harris asked to be recorded as "Present-not voting" on the final passage of the bill.

**SENATE BILL 221 ON SECOND READING**

Senator Sibley moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **SB 221** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Carona, Madla, Truan.

On motion of Senator Sibley and by unanimous consent, the regular order of business was suspended for **SB 221**:

**SB 221**, Relating to the suspension or revocation of a real estate license for failure to include a termination date in certain real estate contracts.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 221 ON THIRD READING**

Senator Sibley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 221** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Carona, Madla, Truan.

**SB 221** was read third time and was passed by a viva voce vote.

**SENATE BILL 223 ON SECOND READING**

Senator Sibley moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **SB 223** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Carona, Madla, Truan.

On motion of Senator Sibley and by unanimous consent, the regular order of business was suspended for **SB 223**:

**SB 223**, Relating to continuing education requirements for real estate brokers and salesmen.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 223 ON THIRD READING**

Senator Sibley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 223** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Carona, Madla, Truan.

**SB 223** was read third time and was passed by a viva voce vote.

**SENATE RULE 11.11 SUSPENDED  
(Posting Rule)**

On motion of Senator Harris and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Administration might meet today.

**WELCOME AND CONGRATULATORY RESOLUTIONS**

**SR 94** - by Brown: Congratulating Nolan Ryan.

**SR 95** - by Ellis: Welcoming Dr. Muhammad Yunus of Bangladesh to Houston.

**SR 96** - by Zaffirini: Congratulating United States Drug Enforcement Agency Special Agent Marshall Fisher of Live Oak.

**SR 97** - by Moncrief: Congratulating Virginia Eernisse of Alvin.

**MISCELLANEOUS RESOLUTIONS**

**SR 98** - by Ratliff: Recognizing February 3, 1997, as Texas Public Community College Day at the Capitol.

**SR 99** - by Barrientos: Recognizing February 5, 1997, as the day of the Great Austin Bash celebration.

**HCR 48** - (Haywood): Recognizing February 13, 1997, as the Texas Day of Prayer.

**ADJOURNMENT**

On motion of Senator Brown, the Senate at 12:59 p.m. adjourned, in memory of the Honorable Frank M. Tejeda, Jr., until 12:00 noon tomorrow.

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**APPENDIX**

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**COMMITTEE REPORT**

The following committee report was received by the Senate:

February 3, 1997

ECONOMIC DEVELOPMENT — **SB 249** (Amended)

**In Memory  
of**

**The Honorable Frank M. Tejeda, Jr.**

Senator Luna offered the following resolution:

**(Senate Concurrent Resolution 12)**

WHEREAS, Texans, and indeed all Americans, were deeply saddened by the passing of the Honorable Frank M. Tejeda, Jr., on January 30, 1997, at the age of 51, and the Texas Legislature joins the Tejeda family in bidding a reluctant farewell to this extraordinary public servant; and

WHEREAS, Born October 2, 1945, in San Antonio, Congressman Tejeda learned the value of education and hard work from an early age, helping to support his close-knit family by mowing yards, washing windows, and shining shoes; and

WHEREAS, At the age of 17, this patriotic Texan joined the United States Marine Corps and gained rank quickly, first becoming the youngest Marine corporal in the corps and later the youngest staff sergeant; while serving in Vietnam in 1965, he led his squad across 75 yards of open space in an attack against a Viet Cong sniper station outside of Da Nang in an action that would earn him a bronze star; and

WHEREAS, Wounded in action the following year, Congressman Tejeda returned to the states and resumed his education, but his commitment to the Marines continued through his service in its reserve corps; he would later attend the Marine Reserve Officers Candidate School at Camp Quantico, and while pursuing his studies there, he broke all records, receiving a near perfect 98.08 combined evaluation score for academics, physical skills, and leadership; and

WHEREAS, Although he displayed little interest in academics during his high school years, his military service seemed to instill in him a newfound sense of purpose and discipline; he went on to earn a bachelor's degree in government from St. Mary's University, a law degree from the University of California at Berkeley, and a master's degree in public administration from the prestigious Kennedy School of Government at Harvard University; and

WHEREAS, First elected to the Texas Legislature in 1976, this distinguished gentleman served the people of South San Antonio for five terms in the house of representatives and three terms in the senate, authoring important legislation establishing the Crime Victims Bill of Rights and the Texas Veterans Housing Assistance Program, as well as creating several new courts in Bexar County; he drew on his vast legal expertise to serve as chairman of the House Committee on Judicial Affairs and as a member of the Senate Committees on Jurisprudence and Criminal Justice, and his graduate studies gave him valuable insight as a member and eventually chairman of the Senate Committee on Intergovernmental Relations; and

WHEREAS, His fierce dedication to the people of his district, combined with his outstanding ability to get things done, won him the

respect and admiration of his constituents, and in 1992, he was elected to the newly created 28th District seat in the United States House of Representatives; he quickly established himself as an intelligent and committed lawmaker, and he earned key assignments to the Armed Services, Veterans Affairs, and National Security committees; and

WHEREAS, Throughout his career, Congressman Tejeda remained above all else a devoted father to his three children and an active member of his community, contributing his time to such worthwhile organizations as the Knights of Columbus, the Veterans of Foreign Wars, the American Legion, and the Southside Chamber of Commerce; he was recognized for his personal and public leadership with an Honorary Life Membership in the Texas Parent-Teacher Association, and he was the proud recipient of the Texas State Teachers Association Friends of Education Award and the San Antonio Jaycees Distinguished Service Award; and

WHEREAS, Frank Tejeda dedicated much of his life to the service of his country and to the State of Texas, and his many contributions will not be forgotten; a man of unique spirit and character, he has left a remarkable legacy of good works by which to remember him, and it is indeed appropriate that he be honored at this time; now, therefore, be it

RESOLVED, That the 75th Legislature of the State of Texas hereby pay tribute to the life of the Honorable Frank M. Tejeda, Jr., and extend sincere sympathy to the members of his family: to his children, Marissa Tejeda, Sonya Tejeda, and Frank Tejeda III; to his mother, Lillie Tejeda; to his sister, Mary Alice Lara; to his brothers, Juan Tejeda, Ernest Tejeda, and Richard Tejeda; and to all the relatives, friends, colleagues, and many admirers of this esteemed Texan; and, be it further

RESOLVED, That an official copy of this resolution be prepared for the members of his family and that when the Texas House of Representatives and Senate adjourn this day, they do so in memory of the Honorable Frank Tejeda.

LUNA  
ARMBRISTER  
BARRIENTOS  
BIVINS  
BROWN  
CAIN  
CARONA  
DUNCAN  
ELLIS  
FRASER  
GALLEGOS  
GALLOWAY  
HARRIS  
HAYWOOD  
LINDSAY

LUCIO  
MADLA  
MONCRIEF  
NELSON  
NIXON  
PATTERSON  
RATLIFF  
SHAPIRO  
SHAPLEIGH  
SIBLEY  
TRUAN  
WENTWORTH  
WEST  
WHITMIRE  
ZAFFIRINI  
BULLOCK

The resolution was read.

On motion of Senator Zaffirini and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Luna and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

